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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,527	02/22/2002	Daniel Scott Venolia	04860.P0539C3	8352

7590 07/21/2003

James C. Scheller, Jr.
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
12400 Wilshire Boulevard, Seventh Floor
Los Angeles, CA 90025-1026

EXAMINER

BRIER, JEFFERY A

ART UNIT	PAPER NUMBER
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2672

DATE MAILED: 07/21/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/082,527	VENOLIA, DANIEL SCOTT	
	Examiner	Art Unit	
	Jeffery A. Brier	2672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16, 18, 19 and 21-82 is/are pending in the application.
- 4a) Of the above claim(s) 50-54, 61-65 and 72-76 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 26-49 is/are allowed.
- 6) ☒ Claim(s) 1-16, 18, 19, 21-25, 55-60, 66-71 and 77-82 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/16/03 has been entered.

Response to Arguments

2. Applicant's response filed on 06/16/03, with a certificate of mailing of 06/12/03, consists of arguments. No amendments were made.
3. The proper terminal disclaimer, filed on 06/16/03, overcomes the obvious type double patenting rejection.
4. Applicants 06/16/03 arguments concerning the 35 USC 112 first paragraph rejection, have been fully considered.

Applicant contends the specification conveys that applicant had possession of the invention claimed in claims 55-60, 66-71, and 77-82, however, after a thorough review of page 10 line 23 to page 13 line 11 it is clear the mouse, claimed input device, controls two parameters and the parameters' values control two graphical widgets, claimed first and second user interface elements, while independent claims 55, 66 and 77 claim two user interface elements controlling two parameters.

On page 3 of the remarks applicant makes reference to page 13 line 21 to page 14 line 3 of the specification and applicant contends that "A *person skilled in the art understood that a slider (or scroll) typically maintains a parameter that is under control of the slider. Adjusting the parameter will change the position of the slider; and, the parameter can be changed through the slider as a graphical user interface. This relationship is clearly shown by the statement "The time scale is controlled and shown by scale slider 11", where the time scale is a parameter.*" This argued time scale is a single parameter, while the claims are claiming controlling two parameters with first and second user interface elements, thus, this statement in the specification does not teach controlling two parameters with the claimed first and second user interface elements. Additionally it should be noted the term parameter is a broad term and may include a time scale but it includes many other parameters. The specification at page 10 line 23 to page 13 line 11 clearly discusses parameters while the specification at page 13 line 21 to page 14 line 3 discusses time scale. Thus, the specification described the time scale is controlled and shown by scale slider 11 but it did not describe controlling two parameters with two user interface elements.

In the paragraph spanning pages 14-15 applicant makes reference to pages 14-17 of the specification. The specification here describes two modes of operation. One mode allows the user to control one parameter such as time scale with the user interface elements. See page 13 line 25 to page 14 line 3 and page 18 lines 21-25.

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The other mode disassociates the mouse from the cursor and allows horizontal and vertical movement of the mouse to control two parameters, time scale and time line, without the use of user interface elements. See page 14 lines 4-8, page 16 line 29 to page 16 line 29 to page 18 line 20, and page 19 lines 1-8.

Independent claims 55, 66 and 77 claim adjusting two parameters by controlling two user interface elements with an input device. It is clear from the specification that one parameter may be controlled by a user interface element, however, two parameters are controlled by disassociating the cursor from the mouse and controlling the two parameters by movement of the mouse and possibly having user interface elements indicate the value of the parameters as the parameters are changed by the mouse.

Therefore, the rejection of claims 55-60, 66-71, and 77-82 under 35 USC 112 first paragraph is maintained.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1-16, 18, 19, 21-25, 55-60, 66-71 and 77-82 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that

the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 55, 66 and 77 claim a method to control a graphical user interface, the method comprising:... ..adjusting a first parameter under control of a first user interface element of the graphical user interface... ..adjusting a second parameter under control of a second user interface element of the graphical user interface according to the second component... (claim 77 is a system claim that claims the same function as claims 55 and 66).

The specification describes two modes of operation. One mode allows the user to control one parameter such as time scale with the user interface elements. See page 13 line 25 to page 14 line 3 and page 18 lines 21-25. The other mode disassociates the mouse from the cursor and allows horizontal and vertical movement of the mouse to control two parameters, time scale and time line, without the use of user interface elements. See page 14 lines 4-8, page 16 line 29 to page 16 line 29 to page 18 line 20, and page 19 lines 1-8.

Independent claims 55, 66 and 77 claim adjusting two parameters by controlling two user interface elements with an input device. It is clear from the specification that one parameter may be controlled by a user interface element, however, two parameters are controlled by disassociating the cursor from the mouse and controlling the two parameters by movement of the mouse and possibly having user interface elements indicate the value of the parameters as the parameters are changed by the mouse.

Thus, the specification does not convey that applicant had possession of the claimed invention defined in claims 55-60, 66-71 and 77-82.

Claims 1-16, 18, 19, and 21-25 are not supported by the specification for the reasons given above. These claims using two graphical user interface elements to simultaneously control: scale and range; or scale and position of access; or scale and span. For the reasons given for claims 55-60, 66-71 and 77-82 claims 1-16, 18, 19, and 21-25 are not supported by the specification as filed.

Election/Restrictions

7. The restriction set forth in paper no. 8 paragraph 4 is maintained.
8. On page 2 of the 05/02/03 response, applicant at paragraph 2 indicated claims 50-54, 61-65 and 72-76 are withdrawn from consideration through constructive election.

Allowable Subject Matter

9. Claims 26-49 are allowable over the prior art of record due to the claimed first and second modes and due to the claimed remapping and process performed while in the second mode.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A. Brier whose telephone number is (703) 305-4723. The examiner can normally be reached on M-F from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (703) 305-4713).

Any response to this action should be mailed to:

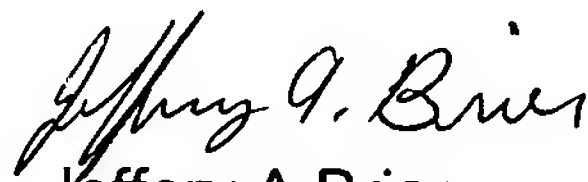
Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.


Jeffery A Brier
Primary Examiner
Art Unit 2672